

## WILLIAM H. PRUITT, ESQ.

Nevada Bar No. 6783

**JOSEPH R. MESERVY, ESQ.**

Nevada Bar No. 14088

BARRON & PRUIT

3890 West Ann Road

North Las Vegas, Nevada 89131  
(702) 253-2248

Telephone: (702) 870-3940

Facsimile: (702) 870-3950

E-Mail: [bpruitt@vnvlaw.com](mailto:bpruitt@vnvlaw.com)  
Attorneys for Plaintiff

*Attorneys for Defendant*

For more information about the study, please contact Dr. Michael J. Hwang at (310) 794-3030 or via email at [mhwang@ucla.edu](mailto:mhwang@ucla.edu).

**UNITED STATES DISTRICT COURT**

**DISTRICT OF NEVADA**

SCOTT ALLAN, an individual,

Case No: 2:22-cv-01424-GMN-EJY

Plaintiff:

VS.

PROGRESSIVE NORTHERN INSURANCE COMPANY dba PROGRESSIVE INSURANCE; DOES I through X, inclusive; and ROE CORPORATIONS I through X, inclusive,

**STIPULATION AND ORDER TO  
EXTEND DISCOVERY DEADLINES  
(Ninth Request)**

Defendants.

Defendant PROGRESSIVE NORTHERN INSURANCE COMPANY, and Plaintiff SCOTT ALLAN, through their respective counsel, submit the foregoing stipulation and order to extend discovery deadlines pursuant to LR 26-4 as follows:

## 1. Summary of Discovery Completed

To date, the following discovery has been completed in this case:

<b>Item</b>	<b>Date Completed</b>
Plaintiff's Initial Rule 26(a) Disclosures	10/06/2022
Defendant's Initial Rule 26(a) Disclosures	11/09/2022
Defendant's First Set of Requests for Admission, Requests for Production and Interrogatories to Plaintiff	12/07/2022
Plaintiff's First Supplemental Rule 26(a) Disclosures	12/27/2022
Plaintiff's responses to Defendant's First Set of Requests for Admission, Request for Production and Interrogatories	01/10/2023
Plaintiff's Second Supplemental Rule 26(a) Disclosures	01/10/2023
Plaintiff's First Set of Interrogatories and Requests	01/20/2023

**BARRON & PRUITT, LLP**  
 ATTORNEYS AT LAW  
 3890 WEST ANN ROAD  
 NORTH LAS VEGAS, NEVADA 89031  
 TELEPHONE (702) 870-3940  
 FACSIMILE (702) 870-3950

	<b>Item</b>	<b>Date Completed</b>
1	for Production to Defendant	
2	Plaintiff's Supplemental Responses to Defendant's First Requests for Production of Documents and Defendant's First Set of Interrogatories	02/03/2023
3	Plaintiff's Third Supplemental Rule 26(a) Disclosures	02/03/2023
4	Deposition of Plaintiff Scott Allan	02/06/2023
5	Defendant's First Supplemental Rule 26(a) Disclosures	02/09/2023
6	Defendant's Designation of Expert Witnesses	02/21/2023
7	Plaintiff's Designation of Expert Witnesses	02/21/2023
8	Defendant's Responses to Plaintiff's First Set of Requests for Production of Documents and Answers to Plaintiff's First Set of Interrogatories	03/13/2023
9	Plaintiff's First Supplemental Designation of Expert Witnesses	06/23/2023
10	Plaintiff's Fourth Supplemental Rule 26(a) Disclosures	06/23/2023
11	Defendant's First Supplemental Designation of Expert Witnesses	06/23/2023
12	Defendant's Second Supplemental Rule 26(a) Disclosures	07/26/2023
13	Plaintiff's Fifth Supplemental Rule 26(a) Disclosures	08/07/2023
14	Plaintiff's Initial Rebuttal Expert Disclosure	08/23/2023
15	Plaintiff's First Supplemental Rebuttal Expert Disclosure	08/24/2023
16	Defendant's Initial Rebuttal Expert Disclosure	08/25/2023
17	Defendant's First Supplemental Rebuttal Expert Disclosure	08/25/2023
18	Plaintiff's Sixth Supplemental Rule 26(a) Disclosures	09/08/2023
19	Deposition of Joseph J. Schifini, MD	09/18/2023
20	Plaintiff's Second Supplemental Expert Disclosure	09/27/2023
21	Defendant's Third Supplemental Rule 26(a) Disclosures	12/12/2023
22	Plaintiff's Seventh Supplemental Rule 26(a)	01/22/2024

	Item	Date Completed
1	Disclosures	
2	Plaintiff's Second Supplemental Responses to Defendant's First Set of Interrogatories	01/22/2024
3	Plaintiff's Supplemental Responses to Defendant's First Requests for Production of Documents	01/22/2024
4	Deposition of Dr. Joseph Solberg	01/26/2024
5	Deposition of Steven Grimm, Ph.D.	02/08/2024
6	Plaintiff's Eighth Supplemental Rule 26(a) Disclosures	02/13/2024
7	Defendant's Third Supplemental Rule 26(a) Disclosures	03/01/2024

10           2. Discovery Remaining

11           The following discovery remains to be completed:

- 12           a) Dr. Fishell's deposition has been scheduled for March 18, 2024;
- 13           b) Dr. Garber's deposition has been scheduled for April 9, 2024;
- 14           c) Additional Written Discovery;
- 15           d) Deposition of Person(s) Most Knowledgeable for Defendant;
- 16           e) Deposition(s) of percipient witnesses;
- 17           f) Deposition(s) of treating physicians;
- 18           g) Deposition(s) all remaining expert witnesses; and
- 19           h) Additional discovery as necessary.

20           3. Reason Why Discovery Was Not Completed

21           Discovery in this matter is currently scheduled to close on April 25, 2024. Although  
 22           discovery has diligently progressed, additional time is required to complete the remaining  
 23           depositions due to scheduling conflicts and delays arising from trial preparation in other matters and  
 24           delays experienced with receiving Plaintiff's medical records and documents regarding an accident  
 25           which occurred in 2023. As such, the parties believe that good cause exists to warrant extending the  
 26           discovery cut off deadline and hereby request a 60 day extension of the remaining discovery  
 27           deadlines to allow for additional time to complete the remaining discovery.

28           ///

1           4. Proposed Schedule for Completing Discovery

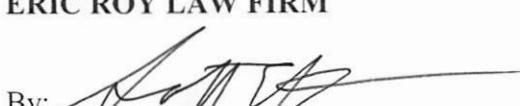
2           Accordingly, the parties respectfully request that this Court enter an order setting the  
 3 following discovery plan and scheduling order dates:

Event	Former Deadline	New Deadline
Amend pleadings or add parties	November 24, 2022	No Extension Requested
Expert Designations	June 21, 2022	No Extension Requested
Rebuttal Expert Designations	August 25, 2023	No Extension Requested
Discovery Cut-off	April 25, 2024	June 24, 2024
Dispositive Motions	May 28, 2024	July 29, 2024
Joint Pre-Trial Order	June 25, 2024	August 26, 2024

11           Counsel further state that the requested extension of discovery deadlines is not interposed for  
 12 purposes of delay, but rather for the purposes set forth above.

13           DATED: March 6, 2024

14           ERIC ROY LAW FIRM

15           By:   
 16           ERIC ROY, ESQ.  
 17           Nevada Bar No. 11869  
 18           SCOTT E. PHILIPPUS, ESQ.  
 19           Nevada Bar No. 13223  
 20           703 South Eighth Street  
 21           Las Vegas, Nevada 89101  
 22           Attorneys for Plaintiff

13           DATED: March 6, 2024

14           BARRON & PRUITT, LLP

15           By: /s/ William H. Pruitt  
 16           WILLIAM H. PRUITT, ESQ.  
 17           Nevada Bar No. 6783  
 18           3890 West Ann Road  
 19           North Las Vegas, Nevada 89031  
 20           Attorneys for Defendant

21           IT IS SO ORDERED.

22             
 23           UNITED STATES MAGISTRATE JUDGE

24           DATED: March 6, 2024